

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KANSAS NATURAL RESOURCE
COUNCIL, INC., and SIERRA CLUB,

Plaintiffs,

v.

STEPHEN L. JOHNSON, Administrator,^{1/}
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, JOHN B.
ASKEW, Regional Administrator,^{2/}
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION VII,
and THE UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY

Defendants,

AND

THE STATE OF KANSAS,

Intervenor/Defendant.

CIVIL ACTION FILE NO. 95-2490-JWL

STIPULATION OF DISMISSAL

WHEREAS, this Court entered a Consent Decree on April 13, 1998 ("Consent Decree"), as its final judgment resolving all claims raised by the Kansas Natural Resource Council and the Sierra Club ("Plaintiffs") in Civil Action No. 95-2490;

WHEREAS, Paragraph 16 of the Consent Decree states:

16. This Consent Decree and this Court's jurisdiction shall terminate after the Parties comply with the Schedule on Attachment A of this Consent

^{1/} Pursuant to Fed. R. Civ. P. 25(d), Mr. Johnson is substituted for his predecessor in office.

^{2/} Pursuant to Fed. R. Civ. P. 25(d), Mr. Askew is substituted for his predecessor in office.

Decree. Upon termination of this Consent Decree, this Action shall be dismissed with prejudice. EPA shall file the appropriate notice with the Court so that the Clerk of the Court may close the file.

WHEREAS, Plaintiffs, Defendants Stephen L. Johnson, Administrator, United States Environmental Protection Agency, John B. Askew Regional Administrator, United States Environmental Protection Agency Region VII, and the United States Environmental Protection Agency and Intervenor/Defendant the State of Kansas (jointly referred to as the "Parties") agree that the Schedule on Attachment A of the Consent Decree has been satisfied;

NOW THEREFORE, the Parties agree and stipulate that the Consent Decree be terminated and this matter dismissed with prejudice pursuant to Paragraph 16 of the Consent Decree.

SO ORDERED:

DATED: 1/22/2007

s/ John W. Lungstrum
CHIEF JUDGE JOHN W. LUNGSTRUM

SO STIPULATED:

FOR PLAINTIFFS:

DATED: January 19, 2007

/s/ John Simpson
JOHN SIMPSON
Kansas Natural Resources Council, Inc.
429 West 61st Terrace
Kansas City, MO 64113

DATED: January 19, 2007

/s/ Eric Huber
ERIC HUBER
Sierra Club Environmental Law Program
2260 Baseline Rd Ste 105
Boulder, CO 80302

FOR THE DEFENDANTS:

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division

DATED: January 19, 2007

/s/Eileen T. McDonough
EILEEN T. MCDONOUGH
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United States Attorney
District of Kansas

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(913) 551-6730
KS. S. Ct. # 12884

FOR INTERVENOR/DEFENDANT
THE STATE OF KANSAS:

DATED: January 19, 2007

/s/ Yvonne Anderson
YVONNE ANDERSON
Kansas Department of Health and Environment
400 S.W. 8th Avenue, Suite 203
Topeka, KS 66603-3930

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by first-class mail, postage prepaid, on January 19, 2007, upon:

JOHN SIMPSON
Kansas Natural Resources Council, Inc.
429 West 61st Terrace
Kansas City, MO 64113

ERIC HUBER
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2260 Baseline Rd Ste 105
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/s/Eileen T. McDonough